

Investigative and Enforcement Services

USDA, APHIS, IES
4700 River Road, Unit 85
Riverdale, MD 20737
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Settlement Agreement

RESPONDENT:

Thomas R. Cronin, Sr.
The Shell Factory
DBA: Nature Park at the Shell Factory
2787 N. Tamiami Trail
North Fort Myers, FL 33903

CASE NUMBER **FL08398-AC**

DUE ON OR BEFORE July 31, 2010
CONTACT Ms. Roxanne Folk
PHONE (301) 734-5578

DATE**CITATION****DESCRIPTION**

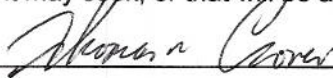
See Attached Pages
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PENALTY **\$ 563.****TERMS**

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent:**Date:**

7/9/10

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

T04 - Settlement Agreement
Revised 11/15/05

DATE	CITATION 9 CFR	DESCRIPTION
06-JUN-2007	2.40(b)(2) 2.40(b)(3)	Attending Veterinarian and Adequate Veterinary Care. Failed to establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries and the availability of emergency, weekend, and holiday care; and also daily observations of all animals to assess their health and well-being. A male serval (Mahali) died shortly after examination by the facility's attending veterinarian. This death was due the severe anemia from overwhelming flea infestation.
	3.131(d)	Sanitation. Failed to implement and maintain a safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests. At the time of this inspection, there was an extensive flea infestation present, as evidenced by the death of a serval due to anemia from flea bites.
29-OCT-2007	3.127(d)	Facilities, Outdoor. Perimeter fence. Failed to have a perimeter fence that was of sufficient height to keep animal and unauthorized persons out. At the time of this inspection, the zebra enclosure did not have a complete perimeter fence of sufficient height.
02-JAN-2008	2.131(a)	Handling of Animals. Failed to demonstrate adequate experience and knowledge of the species maintained. The persons who prepared the livestock trailer and attempted to transport a zebra (Ann Curry) to Virginia did not have prior experience and knowledge in transportation of wild or exotic animals.
	2.131(b)(1)	Handling of Animals. Failed to handle a zebra (Ann Curry) as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort. The zebra (Ann Curry) escaped its trailer during transport and was injured. Injuries included road rash to all four limbs, face, and mouth area (teeth were extracted by veterinarian); ligament damage to right rear leg; and lameness of the right rear leg.
	3.138(a)	Primary conveyances (Motor Vehicle, Rail, Air, and Marine). Failed to transport a zebra (Ann Curry) in an adequate primary conveyance that was designed and constructed to protect the health, and ensure the safety and comfort, and contain the animal therein at all times. The livestock trailer used to transport the zebra (Ann Curry) was not designed and constructed to transport a zebra or to contain and protect a zebra from injury.